

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. 8:24-cv-02221-AH-(KESx) Date December 29, 2024

Title *Dhimant Patel v. Edwards Lifesciences Corporation et al.*

Present: The Honorable Anne Hwang, United States District Judge

Yolanda Skipper
Deputy Clerk

Not Reported
Court Reporter

Attorney(s) Present for Plaintiff(s):
None Present

Attorney(s) Present for Defendant(s):
None Present

Proceedings: (IN CHAMBERS) ORDER GRANTING MOTION FOR APPOINTMENT OF COUNSEL AND FOR APPOINTMENT AS LEAD PLAINTIFF [33]

Before the Court is Louisiana Sheriffs' Pension & Relief Fund ("Louisiana Sheriffs") and City of Fort Lauderdale Police & Firefighters' Retirement System's ("Fort Lauderdale P&F") Motion for Appointment of Counsel and for Appointment as Lead Plaintiff ("Motion"). Dkt. No. 33. The Court has read and considered the Motion and concluded that it is suitable for decision without oral argument. *See* Fed. R. Civ. P. 78(b); C.D. Cal. L.R. 7-15. Having considered the parties' submissions, the relevant law, and the record in this case, the Court GRANTS the Motion. The hearing calendared for January 15, 2025, is VACATED, and the matter taken off calendar.

On December 13, 2024, motions for appointment of lead plaintiff and for approval of their selection of counsel as lead counsel were filed by four plaintiffs: (1) Louisiana Sheriffs and Fort Lauderdale P&F (*see* Dkt. No. 23); (2) Dhimant Patel (*see* Dkt. No. 21); (3) David Yi Liu (*see* Dkt. No. 25); and (4) Uniformed Sanitationmen's Association Compensation Accrual Fund (*see* Dkt. No. 30), pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. § 78u-4 (a)(3)(B).

When appointing a lead plaintiff, "the court is to apply a rebuttable presumption that the most adequate plaintiff is the applicant who [1] has the largest financial interest in the relief sought and [2] otherwise meets the requirements of Rule 23 of the Federal Rules of Civil Procedure." *Z-Seven Fund, Inc. v. Motorcar Parts & Accessories*, 231 F.3d 1215, 1217-18 (9th Cir. 2000). Louisiana Sheriffs and Fort Lauderdale P&F filed a Memorandum in Support of their Motion stating that they had incurred "approximately \$623,525 in losses." Dkt. No. 34 at 2. Louisiana Sheriffs and Fort Lauderdale P&F's approximate losses far exceeded the losses of other Plaintiffs. *See* Dkt. 22, 26, 31.

Thereafter, Liu, Patel, and Uniformed Sanitationmen's Association Compensation Accrual Fund all withdrew their motions. Dkt. No. 37-38, 41. Accordingly, Louisiana Sheriffs and Fort Lauderdale P&F are the sole remaining proposed lead plaintiff. *See* Dkt. No. 42.

In accordance with the foregoing, the Court GRANTS Louisiana Sheriffs and Fort Lauderdale P&F's Motion for Appointment as Lead Plaintiff and for approval of Bernstein Litowitz Berger & Grossmann LLP as lead counsel for the class.

IT IS SO ORDERED.